



Congress of the United States
Washington, DC 20515

July 24, 2013

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: EPA Proposed Rule: Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA-HQ-UST-2011-0301)

Dear Ms. McCarthy:

We are writing to express our concern about the U.S. Environmental Protection Agency's (EPA) proposed rule amending 40 CFR Parts 280 and 281; Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA-HQ-UST-2011-0301), published in the Federal Register on November 18, 2011. In light of the regulatory cost impact of the proposed rule on small businesses, we respectfully request that the EPA withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel.

After doing its own evaluation of the economic impacts of the proposed rule, the EPA estimated a compliance cost of \$900 which they conclude would not constitute a significant economic impact on small businesses. However, according to industry experts, a more realistic estimate of the cost of compliance is \$6,960 annually which could be particularly burdensome, especially since much of the convenience store industry is comprised of small businesses. Many of those businesses who were interviewed by EPA as part of the cost evaluation tell us that the scope of evaluation was not adequate to determine the full impact of the proposed rule.

Also, the Small Business Administration's (SBA) Office of Advocacy was not contacted as contemplated by the Regulatory Flexibility Act, and EPA has not had the benefit of a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel process to evaluate the costs and benefits of the proposed rule. We believe EPA would benefit from the panel and the expertise of the industry in assessing costs and perhaps finding a more effective and economical tank release and monitoring program.

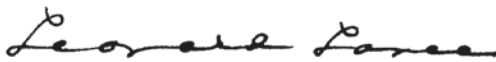
Ultimately, the discrepancy between the agency cost estimates and the industry estimates cause us concern and warrants further evaluation. We respectfully suggest that the proper remedy would be to withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel to address the issues raised.

Thank you for your consideration. We look forward to hearing from you.

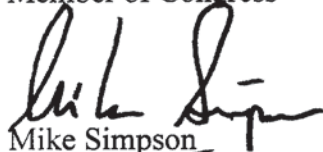
Sincerely,

Gregg Harper
Member of Congress

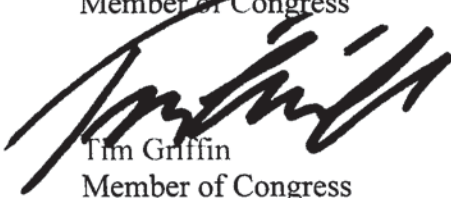
John Barrow
Member of Congress



Leonard Lance
Member of Congress



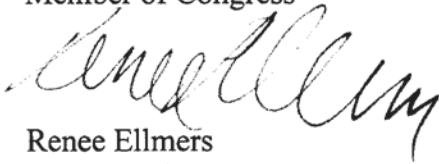
Mike Simpson
Member of Congress



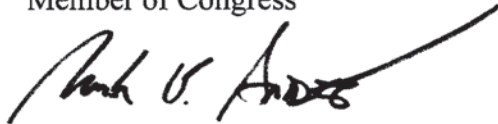
Tim Griffin
Member of Congress



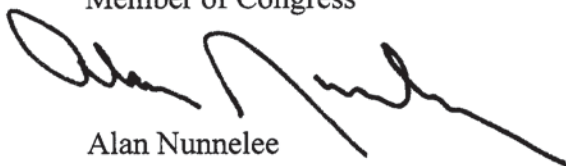
Steve Womack
Member of Congress



Renee Ellmers
Member of Congress



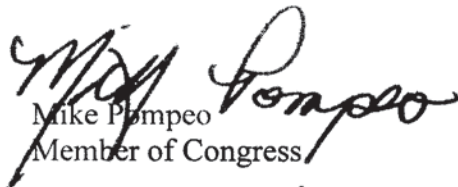
Mark Amodei
Member of Congress



Alan Nunnelee
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Bill Cassidy
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Mike Pompeo
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Robert E. Latta
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Marsha Blackburn
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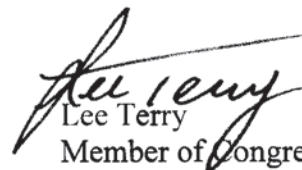
Steve Scalzo
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Rick Crawford
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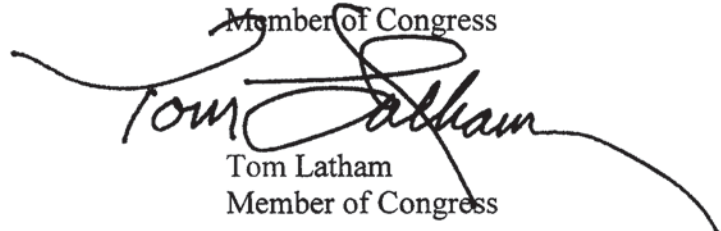
Gus Bilirakis
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Lee Terry
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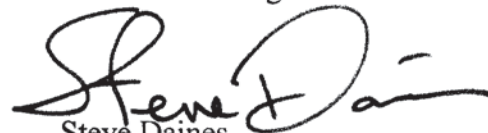
Tom Cotton
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Tom Latham
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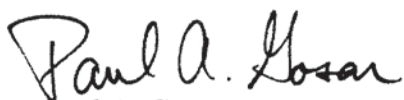
Adam Kinzinger
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Steve Daines
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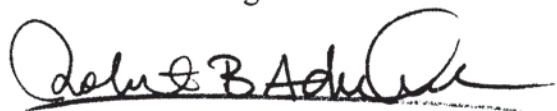
Jeff Duncan
Member of Congress



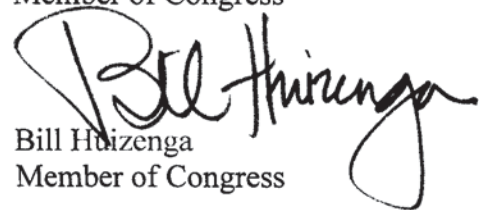
David P. Roe, M.D.
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Robert B. Aderholt
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Virginia Foxx
Member of Congress



Mike Rogers (AL)
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Adrian Smith
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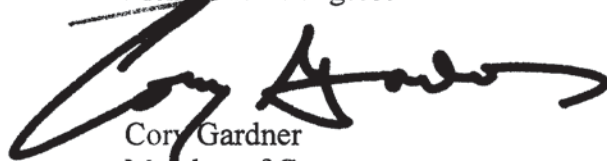
Jason Chaffetz
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Walter Jones
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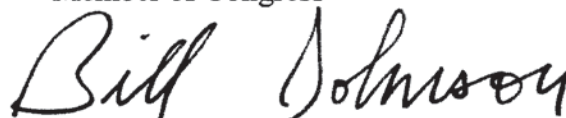
Mick Mulvaney
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Cory Gardner
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Brett Guthrie
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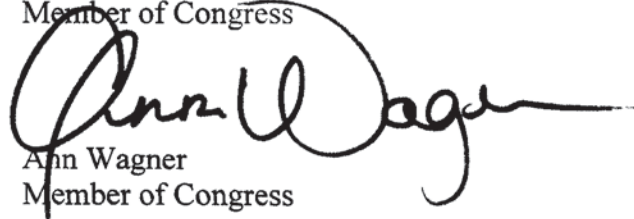
Mo Brooks
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Greg Walden
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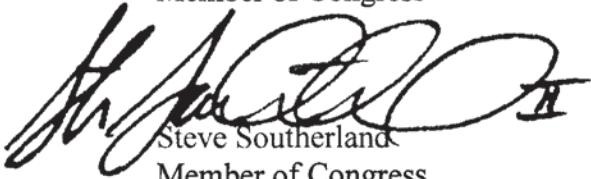
Daniel Webster
Member of Congress



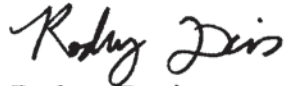
Ann Wagner
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Mike Rogers (MI)
Member of Congress



Steve Southerland
Member of Congress



Rodney Davis
Member of Congress



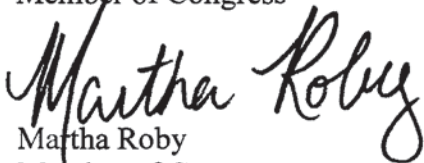
Markwayne Mullin
Member of Congress



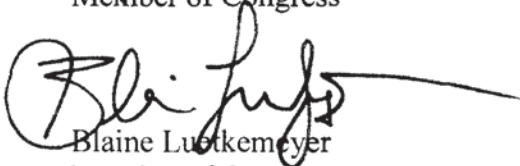
Todd Rokita
Member of Congress



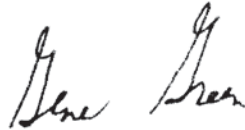
Kevin Cramer
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Martha Roby
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Blaine Luetkemeyer
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Gene Green
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Vicky Hartzler
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Todd Young
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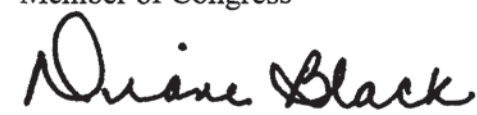


Jackie Walorski
Member of Congress

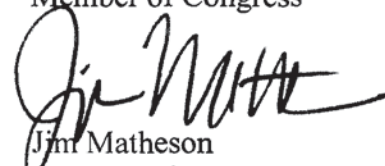


Steven Fincher
Member of Congress

Scott DesJarlais
Member of Congress



Diane Black
Member of Congress



Jim Matheson
Member of Congress

CC:
Ms. Carolyn Hoskinson
Director
Office of Underground Storage Tanks